Serial Number: 09/256643

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Title: TRANSISTOR WITH VARIABLE ELECTRON AFFINITY GATE AND METHODS OF FABRICATION AND USE

#### **REMARKS**

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In response to the final Office Action dated 6 August 2003, the applicant respectfully requests reconsideration of the above-identified application in view of the following remarks. Claims 21, 23, 24, 26, 29-33 and 36-75 are pending in the application. Claims 21, 23-24, 26, 29-32, 36-46, 48-59, 60-61, 63-66, 68-69, and 71-74 are rejected, and claims 33, 47, 62, 67, 70, and 75 are objected to. Claims 33, 53, and 58 will be canceled, and claims 21, 43, 46, 47, 50, 54, 55, 59, 60, 62, 65, 67, 68, 70, 73, and 75 will be amended upon entry of the present amendment. No new matter has been added.

## Allowable Subject Matter

The final Office Action indicated that claims 33, 47, 62, 67, 70, and 75 would be allowable if rewritten in independent form. Claim 21 will be amended to include the features recited in claim 33, and claim 33 will be canceled, upon entry of the present amendment. Independent claims 43, 50, 55, 60, 65, 68, and 73 will be amended to include features similar to those added to independent claim 21 upon entry of the present amendment.

### Rejection of Claims Under §\$102/103

Claims 21, 23-24, 26, and 36-42 were rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Ohba et al. (U.S. 5,734,181, Ohba). The applicant respectfully traverses.

Independent claim 21 will be amended to include the features recited in claim 33 upon entry of the present amendment. Claims 23-24, 26, and 36-42 depend on amended claim 21, and recite further limitations with respect to amended claim 21. The applicant respectfully submits that claims 21, 23-24, 26, and 36-42 are in condition for allowance.

# Rejection of Claims Under §103

Claims 21, 23-24, 26, 29-32, 36-46, and 48-59 were rejected under 35 USC § 103(a) as being unpatentable over Chamberlain (U.S. 4,473,836) taken with Halvis et al. (U.S. 5,369,040, Halvis). The applicant respectfully traverses.

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condition for allowance.

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Independent claims 21, 43, 50, and 55 will be amended to include features similar to those added to independent claim 21 upon entry of the present amendment. Claims 23-24, 26, 29-32, 36-42, 44-46, 48, 49, 51, 52, 54, 56, 57, and 59 depend variously on amended claims 21, 43, 50, and 55, and recite further limitations with respect to amended claims 21, 43, 50, and 55. The applicant respectfully submits that claims 21, 23-24, 26, 29-32, 36-46, and 48-59 are in

Claims 21, 23-24, 26, 29-32, 36-46, 48-59, 60-61, 63-66, 68-69, and 71-74 were rejected under 35 USC §103(a) as being unpatentable over Yamazaki et al. (U.S. 5,449,941, Yamazaki) taken with Halvis. The applicant respectfully traverses.

Independent claims 21, 43, 50, 55, 60, 65, 68, and 73 will be amended to include features similar to those added to independent claim 21 upon entry of the present amendment. Claims 23-24, 26, 29-32, 36-42, 44-46, 48, 49, 51, 52, 54, 56, 57, 59, 61, 63, 64, 66, 69, 71, 72, and 74 depend variously on amended claims 21, 43, 50, 55, 60, 65, 68, and 73, and recite further limitations with respect to amended claims 21, 43, 50, 55, 60, 65, 68, and 73. The applicant respectfully submits that claims 21, 23-24, 26, 29-32, 36-46, 48-59, 60-61, 63-66, 68-69, and 71-74 are in condition for allowance.

Claims 21, 23-24, 26, 29-32, 36-46, 48-59, 60-61, 63-66, 68-69, and 71-74 were rejected under 35 USC § 103(a) as being unpatentable over Halvis and Chamberlain or Frye et al. (U.S. 4,118,795, Frye), and further in view of Tohyama (U.S. 5,858,811). The applicant respectfully traverses.

Independent claims 21, 43, 50, 55, 60, 65, 68, and 73 will be amended to include features similar to those added to independent claim 21 upon entry of the present amendment. Claims 23-24, 26, 29-32, 36-42, 44-46, 48, 49, 51, 52, 54, 56, 57, 59, 61, 63, 64, 66, 69, 71, 72, and 74 depend variously on amended claims 21, 43, 50, 55, 60, 65, 68, and 73, and recite further limitations with respect to amended claims 21, 43, 50, 55, 60, 65, 68, and 73. The applicant respectfully submits that claims 21, 23-24, 26, 29-32, 36-46, 48-59, 60-61, 63-66, 68-69, and 71-74 are in condition for allowance.

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#### **CONCLUSION**

The applicant respectfully submits that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at 612-373-6973 to discuss any questions which may remain with respect to the present application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LEONARD FORBES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. Box 2938

Minneapolis, MN 55402

(612) 373-6973

Date & December 2003

By

Robert E. Mates

Reg. No. 35,271

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 8th day of December, 2003.

Name

Signature